



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204559
Applicant Name: Clint Hamilton
Address of Proposal: 9807 41st Avenue SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into two (2) lots. Proposed lot sizes are: A) 7,410 square feet and B) 9,555 square feet. The existing single family residence and detached garage will remain.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels of land.
(Chapter 23.24, Seattle Municipal Code)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The 16,965 square foot site is located in a Single Family residential zone with a minimum lot size of 7,200 square feet (SF 7200). The parcel is located at the southwest corner of the intersection of SW 98th Street and 41st Avenue SW in West Seattle. There is not a platted alley at the rear (west) of the property to provide vehicle access. Both 98th Street and 41st Avenue are

paved, but there are no curbs, gutters, planter strips, and sidewalks on either side of the streets. There is an existing single family residence located on the southeasterly portion of the site and a two-story one-car garage on the northwesterly portion of the site.

The subject lot slopes downward from the south property line to 98th Street, but is not located within any identified or designated Environmentally Critical Area. Both 98th Street and 41st Avenue are classified as non-arterial streets, pursuant to SMC Chapter 23.53. Properties adjacent to and on the blocks surrounding the site are also zoned SF 7200. Development in the area consists of one and two-story single family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designation.

Proposal

The proposal is to subdivide one parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Proposed Parcel A, the northeasterly portion of the lot, will have direct access to both 98th Street and 41st Avenue. Proposed Parcel B, the remaining L-shaped portion of the lot, will also have direct access to both 98th Street and 41st Avenue. The single family residence and detached garage will be retained on Parcel B.

Public Comment

During the public comment period which ended on September 11, 2002, the City received no written comments. One written comment was received after the close of the comment period, which raised concerns regarding the added density and traffic to the neighborhood from one additional lot.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned single family residential. The allowable density of the subject property is one unit per lot. Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setback is five (5) feet. Minimum rear yard setback is twenty (20) percent of the lot depth; the minimum rear yard is ten (10) feet. The existing trees located on the site will be preserved or new trees must be planted consistent with the requirements of the City's Tree Ordinance (SMC 23.44.008.I). The parcels created by this proposed division of land will conform to all development standards of the SF 7200 zoning district. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The proposed lots will have direct vehicular access to 98th Street and 41st Avenue. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and storm drainage facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 27, 2002. The existing structure is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in 41st Avenue SW. This area of Seattle is served by what the City has termed an "informal" drainage system. There is a ditch and culvert system on the south side of SW 98th Street. This area is a tributary to Fauntleroy Creek.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to the ditch and culvert system is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements will be made at time of building permit application. If the project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020 may be required.

4. One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Due to the sub-standard nature of the adjacent public rights-of-way, a no protest agreement will be required as part of the project approval, agreeing to future street improvements. The public use and interest will be served with this proposal because additional opportunities for owner occupied housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.
5. The site does not contain any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are seven (7) broad-leaved and coniferous trees located around the perimeter of the site. The original proposal indicated the location of the existing trees. The subsequent revision omitted these trees. All existing trees must be shown on the final mylars. These existing trees can be preserved, depending upon the location of any future construction, the extent of the root systems and the overall health of the trees. Thus, the proposal has been designed to maximize the retention of existing trees on the property. Future construction will be subject to the provisions of SMC 23.44.008, which sets forth tree planting requirements on single family lots.
7. This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures,

principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

2. Submit the final recording forms for approval and any necessary fees.
3. Insert the following on the face of the plat: *“Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008 require trees for new single family development.”*
4. Indicate on the face of the plat the location, species and size of all existing trees that are six (6) inches in diameter measured four and one-half (4 1/2) feet above ground pursuant to SMC 23.24.020.G.
5. Submit a copy of the executed and recorded “No Protest Agreement”, as required by SMC 23.53.015.D.2, with the final mylars, so it can then be microfilmed with DCLU.

After Recording and Prior to Issuance of a Building Permit

6. Attach a copy of recorded short subdivision to all copies of future building permit application plans.

Signature: _____ (signature on file) Date: February 10, 2003
David Graves, AICP, Contract Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

JS:vr